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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,736	03/29/2001	Mark R. Allen	5211.001	4342

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EXAMINER

HUSAR, STEPHEN F

ART UNIT PAPER NUMBER

2875

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,736

Applicant(s)

ALLEN, MARK R.

Examiner

Stephen F. Husar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: .

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) and 120 as follows:

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required.

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed was filed more than year prior to the filing of the present application. Applicant has a year in which to file a nonprovisional application and claim the right priority to the filing date of provisional application. Since this application was filed more than two years after the filing date of the claimed provisional application the right of domestic priority cannot be granted.

Applicant's claim for the benefit of an earlier filing date under 35 USC 120 is acknowledged. However, it appears that US Application SN 09/378,631 was abandoned on 3/18/01 for failure to respond to a Final rejection mailed 12/18/00. Since this application was filed 3/29/01 it was not copending with SN 09/378,631.

Specification

3. The disclosure is objected to because of the following informalities: The Brief Description of the Drawings only refers to Fig.6 while the drawings show Figs. 6A and 6B. There must be a brief description of each figure of the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by YAMURO (5,941,626). YAMURO shows in Fig.1A a LED light string and an electrical plug or connector "7". Although YAMURO shows a resistor "8" it is disclosed in column 3, lines 31-37, that the resistor is unnecessary as long as 50 2-volt LEDs are connected in series for a common source voltage in Japan of 100V which is an AC source as shown in Fig.1B as element "9". It further states that if less than 50 LEDs are used then a resistor of an appropriate value is needed. With regard to claims 14-16, see Figs 1A and 1B.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMURO (5,941,626). With regard to claims 4-6, which recite voltages higher than the 100 volts given by example in YAMURO, it is considered an obvious matter of design to match the number of LEDs by the given domestic AC voltage in which the light string is used based on YAMURO's disclosure of 50 2-volt LEDs for 100 VAC. With regard to claims 7 and 8, frequencies of 50-60 Hz are well-known domestic source AC frequencies and LEDs pulsed at these frequencies are inherently above the eye's known persistence of vision. With regard to claims 9 and 10, one of ordinary skill in the art would match the polarity of the connectors in YAMURO's light string as well as the match the maximum number of LEDs based on the supply voltage of the AC power supply.

9. Claims 3, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMURO (5,941,626) as applied to claim 2 and 14 above, and further in view of HUANG (6,190,021 B1). YAMURO shows the invention substantially as claimed except for the recited pair of support wires as set forth in claim 3 and the spaced curtain arrangement of claims 17 and 18. HUANG shows that it known in decorative lamp strings such as YAMURO to provide a pair of support wires "91 and 92" as shown in Fig.2 and a spaced curtain arrangement as shown in Fig.1 to provide both support for the lamp string as well as a decorative effect. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide YAMURO with

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support wires as well as arrange the LEDs in a curtain arrangement as shown by HUANG for the purpose of supporting the LEDs in a decorative pattern.

10. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMURO (5,941,626) as applied to claim 1 above, and further in view of OKUNO (4,298,869). YAMURO shows the invention substantially as claimed except for the color arrangement of the LEDs. OKUNO shows a LED display in which the series blocks are different colors arranged in non-random order to provide specific color displays upon actuation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the LEDs of YAMURO as shown by OKUNO to provide specific color displays upon actuation of the LEDs.

11. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over YAMURO (5,41,626) and OKUNO (4,298,869) as applied to claim 11 above, and further in view of REED (6,361,198 B1). YAMURO in view of OKUNO shows the invention substantially as claimed except for a fiber optic bundle operative to diffuse the light from the LED. REED shows that it is known in the art to provide a fiber optic bundle "28" to diffuse the light output of an LED "26" as shown in Fig.5 to provide a diffuse decorative effect to the LED display. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a fiber optic bundle to each LED of YAMURO and OKUNO as shown by REED for the purpose of adding a diffuse decorative effect to the light string.

12. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over YAMURO as applied to claim 1 above, and further in view of TSENG (6,200,003

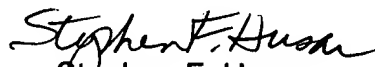
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B1). YAMURO shows the invention substantially as claimed except for the LED lamp holder having a notch and key offset for mechanically and electrically orienting the LED in the lamp holder. TSENG shows that it is known in decorative LED light strings such as YAMURO to provide keys "32" and "14" for notches "222" and "23" to mechanically and electrically orient the LED in the lamp holder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the LEDs of YAMURO with the notch and key lamp holder of TSENG for the purpose of mechanically and electrically orienting the LED in the lamp holder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Husar whose telephone number is 703-308-1932. The examiner can normally be reached on Monday-Friday from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Stephen F. Husar
Primary Examiner
Art Unit 2875

SFH
June 10, 2002